

City Council Minutes
Tuesday, May 12, 2015
City Hall Auditorium
7:00 p.m.

1. Meeting was called to order at 7:00 p.m.
2. Pledge of Allegiance was led by Councilor Bezanson
3. Roll Call – Councilor Bezanson, Councilor Ferguson, Councilor Moavenzadeh, Councilor Sickorez, Councilor McMilleon, Councilor McClure, Councilor Lavoie, Councilor Bartley and Councilor Sherwood
4. Councilor Ferguson moved to approve the minutes of March 24, 2015, April 14, 2015 and April 28, 2015 as submitted. Councilor Sherwood seconded and it was voted Unanimous.

5. Correspondence

a. President/Vice President Communications

b. Communication from Elected Officials, Boards and Commissions

2015-040 Declare Vacancy of School Committee term to expire 2015 – Stanley Schwartz

Councilor Lavoie moved to accept with regret the resignation letter and therefore declare a vacancy in this office.

Councilor Ferguson seconded and it was voted Unanimous.

Councilor McMilleon stated that they will be accepting applications in the Clerk's Office for this position through June 1, 2015 and on June 9, 2015 we will have a joint meeting with the School Committee to fill this vacancy.

6. **Mayoral Appointments**

2015-042 Appointment of Brett Holmes to the Cable Advisory Board for a term to expire June 30, 2018.

Mr. Holmes stated that he moved to 11 Whittier Street in December and is looking to get involved. He is frustrated with the Cable options and the internet options and would like to help.

Councilor McClure moved to approve the appointment of Brett Holmes to the Cable Advisory Board with a term to expire June 30, 2018. Councilor Sickorez seconded and it was voted Unanimous.

7. **Licenses & Permits – FYI-attached list**

8. **Pole Hearings**

2015-035 Verizon Petition Plan #403 – Lake Attitash Rd.

Mr. Joseph Gleason, Right of Way Agent from Verizon spoke on behalf of this project. He stated that the petition before them tonight is on behalf of Verizon and National Grid to relocate an existing pole approximately 5 feet in a southwesterly direction along Lake Attitash Road. The reason for this is that National Grid is in the process of upgrading a lot of the aging poles and this particular pole was determined to be in extremely close proximity to gas main in that location.

Councilor Sherwood asked about the letter from DPW and a difference in the pole that was originally submitted.

Mr. Gleason stated that that was an error on their part and that the correct pole is located at 63 Lake Attitash. He stated that he would have his people prepare a corrected plan and send it to the city for the files. It is Pole #8 adjacent to 63 Lake Attitash Rd.

Councilor Ferguson moved to accept the pole hearing 201-035 as submitted. Councilor Sickorez seconded.

Councilor McMilleon opened the public hearing and closed the public hearing.

A Vote was taken and it was voted unanimously in favor.

2015-036 Verizon Petition Plan #Mass. DOT Project No. 602033 – Hillside Ave, Highland St, Carver St, Sparhawk St and Greenleaf St.

Mr. Scott Burns of Verizon spoke on behalf of this project. He stated that this petition was for 18 pole relocations in regards to the Route 150 Mass DOT project.

Councilor McMilleon opened the public hearing.

Mary Reilly, 71 Highland St. stated that she received the letter a week or two ago and she assumed that they would have the meeting and then the poles would go up but the poles are already up and she has a pole 20ft from her front door that she never had before. She wants an explanation as to why they went up before the meeting to okay them.

Mr. Burns stated that there are many poles in this project and most of them were within 2 to 4 feet and don't require permission from the board. What is requested tonight are all over 5 feet. He asked for a minute to look at the plans.

Mr. Jason Macon of 70 Highland St asked how the pole location on the corner of Highland and Carver was determined as it is adjacent next to a tree next to the driveway. He is concerned with that pole going up and wires getting cross sectioned and that tree actually having to come down because of that.

Councilor McMilleon suspended this hearing for Mr. Burns to deliberate with the residents who have questions.

2015-037 Verizon Petition Plan #P-2015-4A0B8AA – Water St.

2015-038 Verizon Petition Plan #P-2015-4A0B8AA-2 – Water St.

Mr. Everette Bryan, a Right of Way Engineer with Verizon spoke regarding this project. He stated that they are relocating one existing jointly owned pole #202/4 approximately 37 feet in a northerly direction and one existing jointly owned pole #202/2 approximately 31 feet in a westerly direction. This is to cooperate with the city's request to relocate these poles for the reconstruction of Water St.

Councilor McMilleon opened the public hearing for 2015-037; there was no public comment; closed the public hearing.

Councilor Sickorez moved to accept 2015-037 as submitted. Councilor Sherwood seconded and it was voted Unanimous.

Councilor Sherwood moved to accept 2015-038 as submitted. Councilor Sickorez seconded and it was voted Unanimous.

A 5 minute recess was taken to allow Mr. Burns to deliberate with residents concerning the poles on the Hillside Ave project.

Pole petition 2015-036 was re-opened and Mr. Burns stated that he feels he has addressed everyone's issues and that Mrs. Reilly's issue is more with service than with the pole location and he stated that he would address that issue with Verizon tomorrow.

Councilor Sherwood mentioned that there were multiple double poles in people's yards and if the old poles would be removed.

Mr. Burns stated that they would be removed for the new curbs and the street as well.

Councilor Ferguson moved to accept the pole hearing 2015-036 as submitted. Councilor Sickorez seconded.

Councilor Ferguson mentioned to Mrs. Reilly that if after Mr. Burns speaks to Verizon if she still is not satisfied to please contact any of the Councilor's and they will talk to them for you as well.

A Vote was taken and it was Unanimous

9. Public Comment

Jim Thivierge, 8 School St. spoke in regards to highest foreclosures since 2012 and that they should be concerned with that with doing this budget. He stated that the Mayor and the Council should get together and do a 1/12 budgets when they make their recommendations in June. He states that he finds the Council becoming less transparent. He spoke about the School Budget regarding Choice and Charter. He wants to know if the 7 collective bargaining agreements are in the numbers of the budget. He questions a refunding bond and the interest on the unrestricted available money and the fact that it is not appropriated. He stated that you need to think about the taxpayer when doing this budget.

Jane Snow, Fern Ave. presented a project that she did recording all of the Veterans of Amesbury from all the cemeteries in Amesbury. A copy will be provided to the Library, the Veterans Agent and the Parks and Cemeteries Department.

10. Council Response to Public Comment

The Council all commented on the amount of work that Ms. Snow did and thanked her for a great job.

Mayor Gray gave a brief presentation on his submission of the FY16 Operating Budget. He stated that his long term plans are the same as before and are reflected in this budget. There are three elements; first is to decrease the rate of increase in our property taxes while maintaining or improving our municipal services and meeting previously contracted financial obligations. Second; is to invest in education. We must strive for excellent schools but not to the extent that we dig ourselves deeper into the property tax hole or deprive our citizens of necessary and vital services. Third; his plan is to focus on initiatives that result in expanding our commercial/industrial tax base to raise much needed revenue in the future without further burdening the homeowners. The overall goal of this budget is to achieve a financial balance between investing in our schools and improving our city services while concurrently striving to get our property tax burden under control. He reviewed his presentation charts (Attached) which compare tax bills, home values and where/how the tax increase this year will be represented. He stated that there has been progress on the Economic Development front and that we will begin to see the benefits as we become less dependent on taxes from existing single family homes to fund the costs of running the city.

Evan Kenney, Mayor's Aide gave a brief presentation on Way finding Signs and reviewed the process from grant to designs. He explained that the original designs were not satisfactory and that they have come up with a new design in-house that has been finalized. He showed a PowerPoint presentation with the new design. (Attached) He stated that he just wanted to let the Council know where they are in the design process and they hope to have them designed, manufactured, delivered and installed this summer.

11. Public Hearings:

2014-116 An Ordinance to Create a Special Event Permit and Process

Summary: It is the purpose of the City Council to establish a comprehensive process for permitting special events conducted by the private sector using City streets, facilities or services and in some cases private facilities. It is recognized that these special events provide benefits to the citizens through the creation of unique venues for expression and entertainment that are not normally provided as part of governmental services.

Councilor Sherwood moved to continue 2014-116 public hearing to the June 9, 2015 City Council meeting with a full presentation. Councilor Bartley seconded and it was voted Unanimous.

2015-023 An Order to appropriate an insurance payment in the amount of \$31,804.24 from MIIA per MGL Ch44; §53

Summary: Amesbury has been reimbursed from Massachusetts Inter-local Insurance Association for Claim No.

M15JM85091, damage to the 315BL Caterpillar, DOL 01/12/2015 – Mayor sponsor

Councilor McClure read the Finance Committee recommendation.

Councilor McMilleon opened and closed the public hearing.

Councilor Ferguson moved to accept 2015-033 as submitted. Councilor Sherwood seconded. A roll call vote was taken and it was voted IN FAVOR Unanimously.

2015-028 An Order to request the City Council vote to appropriate \$200,000 from Free Cash for the repair and maintenance of streets

Summary: This order will provide the funding for repair and maintenance of streets per the DPW 2015 construction plan

Councilor McClure read the Finance Committee recommendation.

Councilor Bezanson read the list of the streets that are involved in this project for the public.

Councilor McMilleon opened the public hearing.

Jim Thivierge, 8 School St stated that he wished they could do more as the sidewalks are bad. He asked if there had been a transfer from the certified Free Cash to the Stabilization Fund since it has been certified.

Councilor McMilleon closed the public hearing.

Councilor Ferguson moved to approve 2015-028 as submitted. Councilor McClure seconded. A roll call vote was taken and it was voted IN FAVOR Unanimously.

2015-030 An Order to authorize the Mayor to enter into an inter-municipal agreement by and between the City of Amesbury, the City of Newburyport, the Town of Merrimac, and the Town of Salisbury for the provision of veterans' services – Mayor Sponsor

Summary: In May of 2014, the City of Amesbury, the City of Newburyport, and the Town of Merrimac entered into an inter-municipal agreement (IMA) pursuant to M.G.L. c. 40, § 4A, with the City of Newburyport acting as lead community, for the provision of veterans' services to residents of Amesbury, Newburyport, and Merrimac who qualify for veterans' benefits under Massachusetts General Law. This order would authorize the Mayor to enter into an IMA that would expand the current agreement to include the Town of Salisbury, with the City of Newburyport continuing to act as lead community.

Councilor McClure read the Finance Committee recommendations.

Councilor Lavoie read the Ordinance Committee recommendations.

Councilor McMilleon opened the public hearing.

Jim Thivierge stated that he is happy with this but has issues with the lead community rotation. He would like to see Amesbury take the lead.

Councilor McMilleon closed the public hearing.

Councilor Ferguson moved to approve 2015-030 as submitted. Councilor Sherwood seconded.

Councilor Lavoie stated that the Veteran's Agent was in attendance and thanked him for his service and that the purpose of this bill was to add Salisbury as a member and Amesbury is the last of the four communities to vote this.

A roll call vote was taken and it was voted IN FAVOR Unanimously.

2015-029 An Order to authorize the Mayor, on behalf of the City, to submit a Petition to the General Court of the Commonwealth of Massachusetts to enact an Act creating a new regional veterans' services district – Mayor Sponsor.

Councilor Lavoie read the Ordinance Committee recommendations.

Councilor McMilleon opened and closed the public hearing.

Councilor Bartley moved to approve 2015-029 as submitted. Councilor Ferguson seconded. A roll call vote was taken and it was voted IN FAVOR Unanimously.

2015-031 An Order to authorize the Mayor, on behalf of the City, to renew an inter-municipal agreement by and between the City of Amesbury and the Town of Salisbury for the provision of public health services – Mayor Sponsor.

Summary: The renewal of this agreement will allow the City to continue to provide public health services to the region, which consists of the City of Amesbury and the Town of Salisbury.

Councilor Lavoie read the Ordinance Committee recommendations.

Councilor McMilleon opened and closed the public hearing.

Councilor Lavoie moved to approve 2015-031 as submitted. Councilor Sickorez seconded.

Councilor Sherwood asked if there was anyone present from the Board of Health that may have concerns; there was no one.

Councilor Lavoie stated that Mr. Morris, the Health Director did attend the Ordinance Committee meeting and made a presentation and answered questions which led to the recommendation.

A roll call vote was taken and it was voted IN FAVOR Unanimous.

2015-032 An Order to request the City Council to vote to appropriate \$50,000 from free cash for the purposes of funding the design and execution of a review and analysis of the financial operations of the Amesbury Public School District – Mayor Sponsor.

Summary: The City will utilize the \$50,000 from Free Cash for the purposes of contracting with an independent entity to design and execute a review and analysis of the financial operations of the Amesbury Public School District

Councilor McClure read the Finance Committee recommendations.

Councilor McMilleon opened the public hearing.

Rosemary Cashman, 5 Winkley St stated that she hoped that the City Council, the Mayor and the School Committee can work together on this and come up with 1 scope of work, obtain bids and come up with one consultant who has broad knowledge in school finances, personnel reorganization and project implementation. She has concerns of costs, and whether the project will be put out to bid. She is concerned whether anyone has obtained clarification on which entity has the legal oversight for any studies or additional audits of a school department managed by an elected School Committee. Who is legally in charge, Mayor, School Committee or City Council? She is concerned whether there will be 1 scope of work and what it will include. She feels that if progress is to be made there must be coordinated leadership and improved communication.

Jim Thivierge, 8 School St. stated that they should talk to the Financial Oversight Board and the Department of Education and the Department of Revenue and the State Auditor and ask for people to come in. He wants to see the Amesbury High School Building Report completed and in the Public Library and at the High School Library.

Christian Scorzoni, 4 Cabot Ct., stated that the School Committee are trying to get some clarity and have been working closely with Mayor Gray to get a deeper analysis. At the March 2 Finance Committee meeting the School Committee recognized that it was an issue that needed to be looked at. There were recommendations made about how to move forward with MASBO as one option; not definitively the only option that was raised but they talked about getting MASBO on the table doing the scope and working with the Mayor to figure that out. It is not the end all be all maybe there is something else. The Deputy Superintendent was charged with talking to MASBO figuring out the scope and trying to develop a budget and come back to us. The Mayor has also submitted this Resolution ordinance to you and then there is some criticism heard from the City Council about whether MASBO is the right person or not. He stated that at the last meeting it was not clear what the \$50,000 was to be used for and hoped that those details would be filled in tonight.

J. Michael Greaney commented on a meeting that was attended by the Superintendent where she did not speak regarding the School budget and he feels that an outside Auditor is needed to scrutinize that budget because he does not trust the School Committee.

Councilor McMilleon stated that he understands that what has recently transpired with the issue of financial reviews by MASBO from the School Committee and the decision that was made on Monday night by the School Committee is that there was a proposal by the Mayor who wanted to have the MASBO review be more independent and so did the Council in terms of looking at the financial operations. That proposal was discussed by the Mayor and the School Committee and

it was a unanimous vote to have the city pay for the MASBO review and that the Mayor would have some input and be able to meet with MASBO to talk about the scope of that study. He believes it is a movement in the right direction and understands that the Mayor still wants to have a financial review on some areas that are not included in the scope of what MASBO is looking at. Specifically; 1.) Define the baseline cost of running our schools, 2.) Assure full and complete transparency and accountability as it relates to all school revenue and spending and 3.) To assure full and complete adherence to all the rules, regulations, policies and procedures. The Council wants to have additional input into the scope and that is why we asked the resolution that we did and that is why we want to be supportive of the additional hiring of a firm that will take a look at the financial analysis. He suggested that an Advisory Committee be formed to get together with the Mayor to define the scope further. The MASBO study will be paid out of the \$50,000 and they will also be interviewing a firm to look at least at the three points that were just mentioned. He stated that he would like to be a part of that Advisory Committee and Councilor Lavoie and either Mr. Scorzoni or another member of the School Committee be part of it.

Peter Hoyt, School Committee member stated that Councilor McMilleon's understanding was an accurate response to the School Committee meeting and the MASBO review. On behalf of his colleagues who were not present, himself and Mr. Scorzoni, he assured Mr. Greaney and the City Councilors that from the moment each member assumed office of the School Committee he has confidence that they have assumed these positions with the utmost honor and respect and have executed their authority such as it is with the utmost caution and transparency and trust in one another and ourselves in making the best decisions for the students whom they have been elected to represent and the staff and faculty whom they have been elected to support so that they can perform their difficult jobs to the very best of their abilities. He stated that he did not want anyone to think that they have not nor will they conduct themselves in any way but the most respectful, honorable way possible.

Mayor Gray echoed Mr. Hoyt. He stated that he feels they are in a great place in terms of reconciling some of the past differences. Every person on the School Committee does so at no salary at a tremendous time commitment and does so with the interest of the children of Amesbury at heart without question. He supports Councilor McMilleon's plan to put an Advisory Board together to work through and agree on a scope.

Councilor McMilleon closed the public hearing.

Councilor Sickorez moved to approve 2015-032 with further stipulation that an informal committee be created consisting of Council President McMilleon, Councilor Lavoie and Christian Scorzoni or another School Committee member of their choosing to advise the Mayor regarding the scope of the MASBO financial operations review and the Mayor's proposed financial review and analysis of the Amesbury Public School district. Councilor McClure seconded.

Councilor Lavoie stated that the way the motion has been articulated he is in favor of it.

Councilor Sherwood stated that this discussion this evening has helped to bring more clarity to this. He asked Ms. Cashman to share a copy of her comments.

Councilor McMilleon also would like a copy of Ms. Cashman's comments.

Councilor Ferguson stated that she has concerns where the \$50,000 came from as we have had no estimates. She would like clarity on where the \$50,000 figure comes from.

Councilor Bezanson stated that a financial review from MASBO for \$5,900 is a great thing and he is in agreement of this.

Councilor Sickorez stated that he is strongly in favor. The Council is entrusted with the proper expenditure of hard earned taxpayer dollars and we need to ensure that we ring every drop of educational resources out of each and every dollar that is dedicated to the purpose.

A roll call vote was taken and it was voted IN FAVOR unanimously.

2015-025 An Order to Provide for Salary Increases for the City Council – Councilor Lavoie sponsor
Summary: The purpose of this ordinance is to increase the Annual Salary for City Councilors from \$3,000 to \$7,500 per year except that the Council President’s annual salary shall always be \$2,000 higher.

Councilor McClure read the Finance Committee Recommendation

Councilor McMilleon opened the public hearing.

Jim Thivierge, 8 School St. stated that he proposed an alternative at the Finance Committee meeting, \$5,000 for President, an extra \$1,000 for standing committee Chairpersons and \$500 for Adhoc committees.

Councilor McMilleon closed the public hearing.

**Councilor Lavoie moved to table 2015-025 indefinitely. Councilor Moavenzadeh seconded.
A roll call vote was taken and it was voted IN FAVOR Unanimously.**

12. First Readings

2015-041 An order to appropriate an insurance payment in the amount of \$27,058 from MIIA per MGL. Ch44 §53.
Summary: Amesbury has been reimbursed from Massachusetts Inter-local Insurance Association for Claim No: M15AL85113, spill cleanup resulting from 315BL Caterpillar, DOL 01/12/2015.

**Councilor Sherwood moved to send 2015-01 to the May 2, 2015 Finance Committee meeting for a recommendation and hold a public hearing at the June 9, 2015 City Council meeting.
Councilor Sickorez seconded and it was voted Unanimous.**

Late File-

2015-001 FY2016 Annual Budget

Councilor McClure moved to accept the late file. Councilor Ferguson seconded.
Councilor Sherwood explained for the public viewing why the budget is a Late File.
A vote was taken and it was voted Unanimous.

Councilor Sickorez read the bill into the record.

Councilor Lavoie moved to send 2015-001 to the Finance Committee and to hold a public hearing at the June 9, 2015 City Council meeting. Councilor Bartley seconded and it was voted Unanimous.

13. Councilor Sickorez moved to adjourn at 9:15 p.m. Councilor McClure seconded and it was voted Unanimous.

Respectfully submitted,

Sharon Dunning
Assistant City Clerk